

Notice of Allowability

Application No.

10/762,306

Examiner

Marissa W. Chaet

Applicant(s)

IDE ET AL.

Art Unit

1722

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/21/04.
2. ☒ The allowed claim(s) is/are 1-6.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☒ All b) ☐ Some* c) ☐ None of the:
 1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date 5/3/04, 6/21/04
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

DETAILED ACTION

When first reviewed, this application was ready for allowance. However, upon further review, a nonstatutory obviousness-type double patenting issue was discovered. It was suggested that claim 1 of the instant applicant could have been rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claim 1 of U.S. Patent No. 7,047,859. However, Examiner called the attorney, Ken Moore, and recommended the filing of a Terminal Disclaimer. A Terminal Disclaimer was thereafter filed on May 3, 2007 and has been approved, thus overcoming the obviousness-type double patent rejection.

Reasons for Allowance

The following is an examiner's statement of reasons for allowance.

Lim (US 6,740,181) teaches an ultrasonic horn in connection with a press member, which are both vertically movable, and move material to be cut by a rotary blade. See col. 3-4. However, Lim does not teach an optical recording medium-manufacturing apparatus comprising: (1) a punching blade section that is pushed into a disk-shaped substrate to thereby punch a central hole through the disk-shaped substrate, the punching blade section having a cutting edge; (2) a pressing device that presses the disk-shaped substrate toward said punching blade section to thereby push said punching blade section into the disk-shaped substrate, said pressing device having an abutment portion that is brought into abutment with the disk-shaped substrate, a moving mechanism that moves said abutment portion in an approaching one of directions toward and away from said cutting edge of said punching blade section to

thereby press the disk-shaped substrate, and an ultrasonic generator that causes ultrasonic vibration of said abutment portion; and (3) a control section that controls operation of said pressing device by causing said moving mechanism to move said abutment portion in the approaching direction and causing said ultrasonic generator to perform ultrasonic vibration at least from a time point at which the disk-shaped substrate is brought into contact with said cutting edge of said punching blade section to a time point at which punching of the central hole is completed. As such, no prior art teaches or suggests the claims as written.

In addition, US 7,096,770 teaches a punching blade section, but not a pressing device comprising an abutment portion, a moving mechanism, and an ultrasonic generator. See claim 1. US 7,047,859 teaches a punching blade section, and a pressing device and a punching device included in the same machine. See claim 1. Both references do not teach a punching device and a pressing device as two separate machines.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa W. Chaet whose telephone number is 571-272-8094. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Yogendra N. Gupta can be reached on 571-272-1316. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MWC
May 10, 2007


SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700